

EMERGENCY RESOLUTION NO. 06-92

AN EMERGENCY RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ELECTIONS; CREATING THE VILLAGE CANVASSING BOARD FOR THE PURPOSE OF CANVASSING ELECTION RETURNS FOR THE OCTOBER 3, 2006 RUN-OFF ELECTION FOR THE DISTRICT 3 COUNCIL SEAT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, as Section 10-3(d) of the Code of Ordinances of the Village establishes that in order for a candidate to be duly elected to office, said individual must receive a number of votes greater than 50 percent of the total number of ballots cast; and

WHEREAS, following the General Election of September 5, 2006, a candidate did not receive greater than 50 percent in the race for District 3 Council Seat; and

WHEREAS, Section 10-3(e) provides that a run-off election between the two candidates who received the most votes be held; and

WHEREAS, the Charter established date of October 3, 2006 for the Run-Off Election does not coincide with an existing County election, the Village must create its own Canvassing Board. Section 10-11(b) provides that such board shall be:

...a panel composed of three individuals: a member of the Miami-Dade County judiciary, the Miami-Dade County clerk, or his or her deputy clerk, and a member of the clergy who either resides in the village or represents a church within the village. If any of these individuals are unable to serve, then the village clerk is instructed to fill the vacancy with an elected or appointed official from another municipality within Miami-Dade County.

WHEREAS, Section 5.1(C) of the Charter mandates that the, "Council shall hold no meetings between the general election and the swearing in of those newly elected or re-

elected Council members except in the case of an emergency affecting life, health, property or the public peace.” This Resolution is deemed an emergency, as the Village must convene a Canvassing Board in order to properly certify the results of the Run-Off election.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The following persons are appointed to the Village Canvassing Board:

~~JUDGE BRONWYN MILLER~~

~~DR. STEVEN HUDDER~~

KAYE SULLIVAN

Section 2. The canvassing board shall meet to conduct pre-count logic and accuracy test of the optical scan system used for paper ballots, canvass of presumed invalid absentee ballots, absentee ballots opening and processing, duplication of ballots as needed, and, if needed, provisional ballots validation, opening and processing. Following the meeting, the Village Clerk shall present a certification of election results to the village council at first meeting of the village council following the election.

Section 3. The Canvassing Board shall terminate upon completion of the process.

Section 4. This resolution shall take effect immediately upon enactment.

PASSED and ADOPTED this 11 day of September, 2006.

Attest:

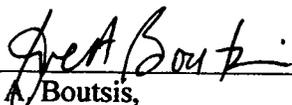


Meighan Pier
Village Clerk



Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:



Eve A. Boutsis,
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller	<u>YES</u>
Council Member Paul Neidhart	<u>YES</u>
Council Member John Breder	<u>YES</u>
Vice-Mayor Linda Robinson	<u>ABSENT</u>
Mayor Eugene P. Flinn, Jr.	<u>YES</u>

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